S.B. Civil Revision Petition No. 420/2006
(Ram Lal Vs. Naurat Mal and Anr.)

Date : 8.9.2006

HON'BLE MR. PRAKASH TATIA, J.

Mr. N.L. Joshi, for the petitioner

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Heard learned counsel for the petitioner.

The petitioner is aggrieved against the order dated 8.8.2006, by which the petitioner's application as well as application filed by the Municipal Board under Order 7 Rule 11 CPC was dismissed by the trial court.

According to the learned counsel for the petitioner, the petitioner's application for regularisation of the land in dispute is pending with the Municipal Board. It is submitted that by no law the Municipal Board can be restrained from disposing of the land in question. Therefore, the suit of the plaintiff for grant of injunction against the allotment / regularisation of the land is not maintainable.

I considered the submissions of the learned counsel for the petitioner and perused the facts of the case.

Substantially, the case of the petitioner is that on merits plaintiff cannot get the relief. The petitioner failed to demonstrate any ground on the basis of which the

suit of the plaintiff could have been rejected on application under Order 7 Rule 11 CPC. The question of valuation and the relief which can be granted well can be decided by the trial court in the suit and not by way of application.

In view of the above, the appeal fails and is hereby dismissed.

(PRAKASH TATIA), J.

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